

**AMENDMENTS IN THE CLAIMS:**

1. (Currently Amended) A recording apparatus for recording modulated data on a rewritable recording medium, the recording apparatus comprising:
  - a data modulation section for modulating data in accordance with a prescribed modulation rule;
  - a parameter value changing section for changing at least one parameter value of the prescribed modulation rule; and
  - a recording section for recording the data modulated in accordance with the prescribed modulation rule on the recording medium,wherein the prescribed modulation rule is a state-type modulation rule or uses a digital sum value, and the at least one parameter value is an initial value of a state or the digital sum value.
2. (Original) A recording apparatus according to claim 1, wherein the prescribed modulation rule is a state-type modulation rule, and the at least one parameter value is an initial value of a state.
3. (Original) A recording apparatus according to claim 1, wherein the prescribed modulation rule uses a digital sum value, and the at least one parameter value is an initial value of the digital sum value.
4. (Original) A recording apparatus according to claim 1, wherein the parameter value changing section changes the at least one parameter value randomly.
5. (Original) A recording apparatus according to claim 1, wherein the parameter value changing section changes the at least one parameter value in a prescribed order.
6. (Original) A recording apparatus according to claim 1, further comprising a storage section for storing a previously used parameter value, wherein the parameter value changing section randomly selects a parameter value to be set from parameter values which are different from the previously used parameter value.
7. (Currently Amended) A recording method for recording modulated data on a rewritable recording medium, the recording method comprising the steps of:

modulating data in accordance with a prescribed modulation rule;  
changing at least one parameter value of the prescribed modulation rule;  
and  
recording the data modulated in accordance with the prescribed modulation rule on the recording medium,

wherein the prescribed modulation rule is a state-type modulation rule or uses a digital sum value, and the at least one parameter value is an initial value of a state or the digital sum value.

8. (Currently Amended) A rewritable recording medium having modulated data recorded thereon, wherein the modulated data is ~~obtained by modulating data~~ modulated in accordance with a prescribed modulation rule, and at least one parameter value of the prescribed modulation rule is ~~changeable~~ changed among the modulated data recorded thereon, and

wherein the prescribed modulation rule is a state-type modulation rule or uses a digital sum value, and the at least one parameter value is an initial value of a state or the digital sum value.

9. (Original) A recording apparatus for starting to record data based on a termination position of data which has been recorded on a rewritable recording medium, the recording apparatus comprising:

a parameter value changing section for changing a parameter value representing a target value of an offset amount of a data recording position from a prescribed reference position;

an offset amount changing section for changing the offset amount of the data recording position from the prescribed reference position such that as data recording proceeds, the offset amount of the data recording position from the prescribed reference position approaches the target value; and

a recording section for recording the data on the recording medium at the data recording position.

10. (Original) A recording apparatus according to claim 9, wherein the parameter value changing section changes the parameter value randomly.

11. (Original) A recording apparatus according to claim 9, wherein the parameter value changing section changes the parameter value in a prescribed order.
12. (Original) A recording apparatus according to claim 9, further comprising a storage section for storing a previously used parameter value, wherein the parameter value changing section randomly selects a parameter value to be set from parameter values which are different from the previously used parameter value.
13. (Original) A recording method for starting to record data based on a termination position of data which has been recorded on a rewritable recording medium, the recording method comprising the steps of:
- changing a parameter value representing a target value of an offset amount of a data recording position from a prescribed reference position;
  - changing the offset amount of the data recording position from the prescribed reference position such that as data recording proceeds, the offset amount of the data recording position from a prescribed reference position approaches the target value; and
  - recording the data on the recording medium at the data recording position.
14. (Currently Amended) A rewritable recording medium having data recorded thereon, wherein:
- a recording start position of data is ~~determined~~ based on a termination position of data which has been recorded thereon;
  - a recording position of the data is ~~determined~~ such that as data recording proceeds, an offset amount of the data recording position from a prescribed reference position approaches a target value; and
  - a parameter value representing the target value is ~~changeable~~ changed among the data recorded thereon.